

of the time and place of sale, and of the Real Estate to be sold, and where situated, as the law directs, by advertisement in the Southwestern, a newspaper published in my said County, by virtue of which said execution and notice, I did on the 9th day of May, A.D., 1946, between the hours of nine in the forenoon and five in the afternoon of that day, agreeably to said notice, at the Court House door in my said County of Jasper, and during the session of the Circuit Court at Joplin, in said County, at the April term thereof, A.D., 1946, expose to sale at public auction for ready money, the above described Real Estate, and George A. Kluseman and Ruth F. Kluseman, husband and wife, being the highest bidder for the following described Real Estate, situate in Jasper County, Missouri, to-wit:

Lots 353, 354, 355, 356 in Royal Heights Sub-division of a part of the Northeast Quarter and a part of the Northwest Quarter of Section 36, Township 28, Range 33 in the City of Joplin, Jasper County, Missouri,

having bid therefor the sum of One Hundred Sixteen and 00/100 100 DOLLARS, the said last above described tract was stricken off and sold to the said George A. Kluseman and Ruth F. Kluseman, husband and wife, for the sum bid therefor by them as above set forth. NOW THEREFORE, in consideration of the premises, and of the sum of One Hundred Sixteen and 00/100 Dollars, to me, the said Sheriff, in hand paid by the said George A. Kluseman and Ruth F. Kluseman, husband and wife, the receipt whereof I do hereby acknowledge, and by virtue of the authority in me vested by law, I, Russell Lamb, Sheriff as aforesaid, do hereby assign, transfer and convey unto the said George A. Kluseman and Ruth F. Kluseman, husband and wife, all of the above described Real Estate, so stricken off and sold to them that I might sell as Sheriff as aforesaid, by virtue of the aforesaid judgment, execution and notice.

TO HAVE AND TO HOLD the right, title, interest and estate hereby conveyed unto the said George A. Kluseman and Ruth F. Kluseman, husband and wife, their heirs and assigns, forever, with all the rights and appurtenances thereto belonging.

IN WITNESS WHEREOF, I, Russell Lamb, Sheriff of the County of Jasper, and State of Missouri, have hereunto set my hand and affixed my seal this 9th day of May, A.D., 1946.

{ Rev. Stamps
55¢
Cancelled }

Russell Lamb (SEAL)
Sheriff

State of Missouri)
)
County of Jasper)

IN THE CIRCUIT COURT OF JASPER COUNTY

April Term, A.D., 1946

BE IT REMEMBERED, That on this 9th day of May, in the year of our Lord, 1946, before the Hon. Woodson Oldham, Judge of the Circuit Court, Division No. Two, in the County aforesaid, came into open Court Russell Lamb, personally known to the said Judge to be the same person whose name is subscribed to the foregoing instrument of writing, as having executed the same as Sheriff, and also known to the Sheriff of the County of Jasper, aforesaid, and then and there, in open Court, before the said Judge, acknowledged the said instrument to be his act and deed, for the said purposes therein mentioned, this certificate of said acknowledgment being ordered by the said Court to be endorsed by the Clerk on this Deed.

IN TESTIMONY WHEREOF, I, Jas. M. Burke, Clerk of our said Court, have hereunto set my hand and affixed the seal of our said Court. Done at office at Joplin, in the County aforesaid.

(COURT SEAL)

Jas. M. Burke, Clerk
By Mac Logan, D. C.

Filed for Record this 15th day of May, A.D., 1946, at 8 o'clock 09 minutes A. M.

Ray Harvey RECORDER

LAST WILL AND TESTAMENT

I, Lewis Franklin Childress, of the City of Joplin, County of Jasper, State of Missouri, being of sound mind and disposing memory, do make, publish and declare this my Last Will and Testament, hereby revoking all former wills by me made.

Site: Joplin - Jasper
ID #: 40116290
Break: 111
Other: 11/21/79
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SUPERFUND RECORDS

CF153

FIRST: I direct that ^{all} my just debts, my funeral expenses, and the expenses of my last illness be first paid, and, if possible, out of my personal estate.

SECOND: I give and devise to my wife, Minnie H. Childress, all the furniture, household equipment, pictures and books in or used in connection with our home place in Joplin, Missouri.

THIRD: I give, devise and bequeath to my granddaughter, Jacqueline Marie Childress James, all the right, title and interest of which I may die seized, in and to the following described real estate known as the Joiner Unit-Gibson Royalty, with the royalties and proceeds therefrom, to-wit: The South Thirty-two (S 32) acres of the Southwest Quarter (SW/4) of the Northeast Quarter (NE/4) of Section Twenty-two (22), Township Seventeen South (17S), Range Twenty West (20W), save and except the West Six (W 6) acres thereof, all located in Columbia County, Arkansas.

FOURTH: I give, devise and bequeath to my son, Paul Childress, all the right, title and interest of which I may die seized, and the proceeds arising therefrom, in trust nevertheless, for the persons hereinafter named as to each specific tract, and for the uses and purposes following:

A. A tract known as the Paschal Royalty, described as follows: The West Thirty-two (W 32) acres of the Southeast Quarter (SE/4) of the Northwest Quarter (NW/4) of Section Twenty-two (22), Township Seventeen South (17 S), Range Twenty West (20 W), located in Columbia County, Arkansas; and, the property known as the Joiner Unit-Raiford Royalty, being described as follows: Beginning at the Southwest Corner of the Southwest Quarter (SW/4) of

-1-

the Northeast Quarter (NE/4) and running West Eighty-eight (88) yards; thence North Three Hundred Fifty-two (352) yards; thence East One Hundred Seventy-three (173) yards; thence South Three Hundred Fifty-two (352) yards; thence West Eighty-five (85) yards to the point of beginning, all in Section Twenty-two (22), Township Seventeen South (17S), Range Twenty West (20 W), located in Columbia County, Arkansas, to be held in trust for my grandson, Emery Carlyn Childress, Jr., who is now a minor, for the uses and purposes hereinafter set forth.

B. The property known as the Garrett Royalty, being described as the Southwest Quarter (SW/4) of the Southwest Quarter (SW/4) of Section Thirteen (13), Township Seventeen South (17 S), Range Twenty West (20 W), located in Columbia County, Arkansas, and all my interest in any livestock and farming equipment wheresoever located, to be held in trust for my granddaughter, Suzanne Childress, daughter of my son, Paul Childress, for the uses and purposes hereinafter set forth.

I empower my said trustee during the continuance of the foregoing trusts to receipt for and collect all gross receipts accruing from the foregoing properties. Separate accounts shall be maintained by the trustee for the property of each beneficiary and each trust and there shall be no commingling of income, and any expenses paid or incurred shall be chargeable against the property and trust for or against which they were incurred. The trustee shall accumulate for the benefit of each beneficiary the gross receipts accruing from the property held by him in trust for said beneficiaries, and pay over from time to time such part thereof less expenses as in his discretion shall be deemed beneficial to the interests of the beneficiary; I direct that as each said minor beneficiary shall arrive at the age of twenty-one (21) years my said trustee shall account to and by proper conveyances set over and transfer unto the said beneficiary all of the right, title and interest in and to said property including all proceeds theretofore collected or accumulated and not paid over, and that thereupon as to said beneficiary, all of the right, title and interest of said trustee in and to said property shall cease and terminate. If any such beneficiary shall

-2-

die prior to the termination of the trust as to it herein provided, the property held for the benefit of said beneficiary shall be and become the property of the legal heirs of said beneficiary

discharged of any trust save and except such part thereof as shall go to any minor heir or heirs which shall be held during the minority of such heir or heirs in trust under the terms and conditions imposed upon the trust herein set forth. During the continuance of the trust, said trustee is authorized and empowered to pay as to any beneficiary any income or other tax chargeable to the beneficiary upon any gross proceeds accumulated in his hands and not distributed, and in addition to pay any other taxes, income or otherwise, or expenses and charges of whatsoever nature properly chargeable to any beneficiary as a result of said beneficiary's trust out of the proceeds of said trust in the trustee's hands.

The trustee shall have full power to sell, assign and convey any of the foregoing properties held in trust for the beneficiaries therein named, or any substitutions or additions, real or personal, thereto, which may at any time become a part of the principal of the trust of each beneficiary hereby created, upon such terms and conditions as the trustee may in his sole judgment and discretion deem expedient and proper, at public or private sale, either for cash or deferred payments secured by the property so sold, or both, and the trustee may without order of the court of any state or of the United States for the purpose of conveying or assigning the same, make, execute, acknowledge and deliver any and all instruments of conveyance or assignment in such form as the trustee may deem expedient and proper. It is my purpose to give to my trustee full power to deal with any property held by him in trust for any beneficiary as fully and completely as I myself might do if living, for my own benefit. It is my direction that in the event my said trustee shall sell any of the said trust properties, he shall, in accordance with his judgment, reinvest the proceeds derived from the sale in the manner which in the sole discretion of the said trustee seems to best protect all of the interests of the beneficiary of said trust.

FIFTH: I give and devise and direct my executor to pay out of the general assets of my estate One Thousand Dollars (\$1,000.00) each to my sisters,

-3-

Ethel Childress Smith, Irene Childress Eads, and Catherine Childress Fisher. If any of my said sisters shall have predeceased me, the fund so provided for the bequest to her shall become a part of my residuary estate.

SIXTH: I give, devise and bequeath to my sister, Ethel Childress Smith, the following described real estate: The West Half (W/2) of the Southwest Quarter (SW/4) of the Southeast Quarter (SE/4), in Section Eleven (11), Township Twenty-seven (27), Range Thirty-four (34), in Jasper County, Missouri, if she survives me, otherwise same to become a part of my residuary estate.

SEVENTH: I give and devise to my son, Paul Childress, all stock in corporations in which I am a stockholder at the time of my death, in trust and for the benefit in equal shares for my wife, Minnie H. Childress, for my son Emory Carlyn Childress, and for my son, the said Paul Childress, and as such trustee the said Paul Childress shall have the right to vote all of said stock, to receive the incomes, dividends and profits therefrom, and if in his judgment it shall be beneficial to said trust estate to sell or hypothecate any or all of said stock, he shall have the power so to do at public or private sale, without regard to any statutory provisions for sale of decedents' estates, but in the event in his judgment it shall be beneficial to said estate to sell said stock or any part thereof, I direct that upon the sale of said stock the trust thereover as hereby provided for shall cease and terminate, and the respective parts of the proceeds received therefrom shall be paid over and delivered to the beneficiaries herein named or their heirs, unless said sale shall be the result of a reorganization of any of said corporations in which stock is taken in such reorganized company in lieu of the stock hereby devised. I direct that all income and dividends collected by my executor, less such part thereof as shall be required for the payments of estate taxes, debts and expenses of administration,

be set aside and accumulated by said executor during the period of administration for the benefit of said devisees named in this paragraph, and paid over to them as soon as the Probate Court will permit such distribution. I direct my trustee upon the receipt of income or dividends as such trustee from said stock during the continuance of said trust, to pay over promptly and account to

-4-

said beneficiaries for their respective parts thereof. On account of the fact that I repose special confidence in the trustee herein named, I direct that in the event of his death, resignation or incapacity to act, the trust created by this paragraph of my Will shall cease.

EIGHTH: No disposition is attempted to be made in this Will of the home place occupied by the said Minnie H. Childress and myself in Joplin as our homestead for the reason that the title to said property is held in entirety, and said property will become the property of said Minnie H. Childress upon my decease and will not become a part of my estate. It is my desire and wish that my said wife will bequeath our said home place to my son, Emery Carlyn Childress, if he shall be living at her death.

NINTH: I give, bequeath and devise all the rest, residue and remainder of my estate, of whatsoever kind and nature, and wheresoever located, in equal parts to my said wife, Minnie H. Childress, my son, Emery Carlyn Childress, and my son Paul Childress.

TENTH: I have made no provision in this Will for my granddaughter, Michale Ann Childress, youngest child of my son, Emery Carlyn Childress, for the reason that I have made, in my judgment, adequate provision for her in bonds purchased by me for her benefit.

ELEVENTH: It is my intent and purpose not to make specific devises to such grandchild or grandchildren as may subsequently be born.

TWELFTH: I hereby direct my executor, in placing a construction upon my said will, in the event that both my wife, Minnie H. Childress, and I shall die as the result of a common disaster, that even if it is positively proved that my said wife survived, yet if her death followed mine so closely that she did not have the actual enjoyment of the bequests and devises to her in this Will, my said Will shall be considered as though she had died before me, and the provisions applicable in such event shall then be in force.

THIRTEENTH: I further declare that each gift, legacy, devise or provision in this, my Last Will and Testament, or of any codicil thereto, is subject

-5-

to the following express condition, viz: That the person or persons to whom, or, in case of a trust, for whose benefit, such money, or property, is given, shall not in any manner oppose or contest the probate of this, my will, or any codicil thereto, or assert or claim in any manner, whether directly or indirectly, before any judicial tribunal, or any judge thereof, that the same is not, as the case may be, my Last Will and Testament, or codicil thereto, or deny, or call in question, before any judicial tribunal or any judge thereof, the legal validity of any of the dispositions, or provisions therein contained; and, in case any such person shall so violate or breach the aforesaid express condition, or any part, or parts, thereof, then and in such event, and in every such event, the money or property that is, by any provision of this Will, destined to or intended for, or for the benefit of, such person or persons, in any estate share or interest, in any property, real, personal, or mixed, left by me at my death, or in any estate, or effects, to which any such person or persons, as last aforesaid, might be, or become entitled as my heir or heirs, or next of kin, or otherwise shall, thereupon, go to such of my other residuary legatees, or the lawful issue thereof if said residuary legatees have died prior to my death, who have not violated or breached the said express condition, or any part or parts thereof, share and share alike, per stirpes and not per capita.

FOURTEENTH: No bond shall be required of the trustee herein appointed as to any of the

trusts herein referred to.

FIFTEENTH: I hereby appoint my son, Paul Childress, executor of this, my Last Will and Testament, and I direct that no bond shall be required of my said executor.

IN WITNESS WHEREOF, I have hereunto set my hand to this, my Last Will and Testament, consisting of six (6) pages, this 18th day of January, 1944.

Lewis Franklin Childress

Signed, published and declared by the said Lewis Franklin Childress to be his Last Will and Testament in the presence of us, and at his request and in his presence and the presence of each other, we have hereunto subscribed our names as witnesses hereto.

Vern E. Thompson
of Joplin, Missouri
Lloyd E. Roberts
of Joplin, Missouri

-6-

CERTIFICATE OF PROBATE OF WILL

State of Missouri }
County of Jasper } ss

In the Probate Court

I, Grant Emerson, Judge of the Probate Court of Jasper County, State of Missouri, having examined the foregoing instrument purporting to be the last will of Lewis Franklin Childress, deceased, and signed by Lewis Franklin Childress, and having heard the testimony of Vern E. Thompson and Lloyd E. Roberts, subscribing witnesses thereto, in relation to the execution of the same, do declare and adjudge said instrument to be the last will and testament of the said Lewis Franklin Childress, deceased, late of Jasper County, Missouri, and the same is hereby admitted to Probate.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said court at the office in Carthage, Missouri, this 8th day of August, 1944.

Seal

Grant Emerson
Judge of Probate

CERTIFICATE

State of Missouri }
County of Jasper } ss

In the Probate Court

In the Matter of the Estate of Lewis Franklin Childress, Dec'd

I, Irma H. Duncan, Clerk of the Probate Court ~~of the Probate Court~~ in and for said Jasper County, Missouri, do hereby certify that the above and foregoing is a true and correct copy of the original Will and Certificate of Probate of Will in the estate of Lewis Franklin Childress, deceased, as the same appears on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the official seal of said Court. Done at my office in Carthage, Jasper County, Missouri, this 16th day of May, 1946.

(COURT SEAL)

Irma H. Duncan
Clerk of the Probate Court

Filed for Record this 16th day of May, A.D., 1946, at 1 o'clock 37 minutes A. M.

Ray Harvey RECORDER

QUIT-CLAIM DEED

THIS INDENTURE, Made on the fourth day of April, 1946; A.D., One Thousand Nine Hundred and Forty-six, by and between Philip L. Hedrick, unmarried, of the County of Ramsey, and State of Minnesota, party of the first part, and Lewis Hedrick, of the County of Jasper, and State of Missouri, party of the Second Part:

WITNESSETH: That the said parties of the first part, in consideration of the sum of One Dollar and other good and valuable consideration to him paid by the said party of the second part, the receipt of which is hereby acknowledged, do hereby by these presents, Remise, Release and forever Quit-Claim unto the said party of the second part, his heirs and assigns, the following described Lots, Tracts or Parcels of Land lying, being and situate in the County of Jasper